



PATENT  
Docket No.: CLV-30880/ACGV2112  
Cust. No. 001095

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Jennifer China  
Type or print name

Signature

Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

Hirt, et al

APPLICATION NO: 09/525,158

FILED: March 14, 2000

FOR: Organic Compounds

Examiner:

Kuo-Liang Peng

Art Unit: 1712

Assistant Commissioner for Patents

Box DAC, Attn.: Art Unit 1712

Washington, D.C. 20231

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

**PURSUANT TO 37 CFR §1.181(A)**

Sir:

The Notice of Abandonment dated April 5, 2002 from Examiner Kuo Liang Peng of Art Unit 1712 has been received. Applicants hereby petition that the holding of abandonment be withdrawn because applicants never received the Notice of Allowance.

The present application was held to be abandoned by the Examiner for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance. However, Applicants' representative did not receive the Notice of Allowance. A search of the file jacket and docket records indicates that the Notice of Allowance was not received. A copy (2 pages) of the docket record

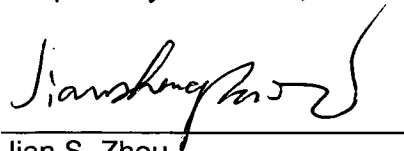
showing all received Office Actions and replies filed by Applicants' representative is enclosed herewith as documentary proof of nonreceipt of the Notice of Allowance. A statement of nonreceipt of the Notice of Allowance from Jian Zhou, Applicants' representative, is enclosed herewith pursuant to MPEP §711.03(c)II.

Therefore, Applicants submit that the holding of abandonment for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance is improper and respectfully request that it be withdrawn and A Notice of Allowance be remailed.

### **CONCLUSION**

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Thomas Hoxie, Novartis Corporation, Patent and Trademark Department, 564 Morris Avenue, Summit, NJ 07901. The commissioner is hereby authorized to charge any other fees with may be required under 37 C.F.R. §1.16 and 1.17, or credit any overpayment, to Deposit Account No. 09-0134.

Respectfully submitted,



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Date: May 10, 2002

Novartis Corporation  
Patent and Trademark Department  
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